

## Message Text

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ACTION ACDA-19

INFO OCT-01 ISO-00 IO-14 AF-10 ARA-16 CIAE-00 DODE-00

EA-11 EUR-25 PM-07 H-03 INR-11 L-03 NASA-04 NEA-14

NSAE-00 NSC-07 OIC-04 SP-03 PA-04 PRS-01 RSC-01

SCI-06 SS-20 USIA-15 SAJ-01 DRC-01 /201 W

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R 191611Z JUL 74

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC 4767

INFO AEC GERMANTOWN

USMISSION GENEVA

AMEMBASSY LONDON

AMEMBASSY NEW DELHI

AMEMBASSY OTTAWA

AMEMBASSY TOKYO

LIMITED OFFICIAL USE SECTION 1 OF 2 IAEA VIENNA 6461

DISTO

E. O. 11652: N/A

TAGS: PARM, TCH, IAEA

SUBJECT: INTERPRETATION OF IAEA SAFEGUARDS AGREEMENTS

REF: A) STATE 154451 (NOTAL; B) IAEA VIENNA 6285

SUMMARY: CORRECTION TO FOOTNOTE PARA 3.D REF B NOTED BELOW.  
AGENCY HAS REQUESTED APPROPRIATE REFERENCES TO SENTENCE THAT  
"TECHNOLOGY IS INDISTINGUISHABLE," ETC. MISSION HAS PROVIDED  
SEVERAL REFERENCES LISTED BELOW. MISSION ALSO PROPOSES  
PROVIDE INFORMALLY AND UNOFFICIALLY ANALYSIS PREPARED BY  
MISSION ON SUBJECT. ACTION REQUESTED: U.S. COMMENTS ON AGENCY'S  
DRAFT INTERPRETATION AND ON ANALYSIS PREPARED BY MISSION.  
END SUMMARY.

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1. WORDING OF SECON SENTENCE OF FOOTNOTE TO PARA 3.D REFTL

B SHOULD READ: QUOTE THE CONCLUSIONS OF THIS NOTE APPLY EQUALLY TO THOSE AGREEMENTS. UNQUOTE

2. OTSUKA, DIRECTOR IAEA LEGAL DIVISION, HAS ASKED MISSION FOR APPROPRIATE REFERENCES FOR PURPOSE OF PREPARING BACKGROUND TO KEY STATEMENT IN FIRST SENTENCE PARA 3.E. REFTTEL B, RE TECHNOLOGY BEING INDISTINGUISHABLE. MISSION HAS REFERRED HIM TO AUGUST 9, 1966 U.S. STATEMENT AT ENDC, PP. 525-526, DOCUMENTS ON DISARMAMENT, 1966; MARCH 14, 1967 SOVIET STATEMENT AT ENDC, PP. 143-151, DOCUMENTS ON DISARMEMENT, 1967; JANUARY 25, 1968 U.S. STATEMENT AT ENDC, PP. 23-28, DOCUMENTS ON DISARMAMENT, 1968; U.S. STATEMENT ON SIGNATURE PROTOCOL II OF TREATY, PP. 204-205, IBID.; AMB. MARTIN'S JULY 16, 1974 STATEMENT AT CCD, ETC.

3. MISSION ALSO PROPOSES MAKE AVAILABLE TO OTSUKA, INFORMALLY AND UNOFFICIALLY, FOLLOWING ANALYSIS, PREPARED BY MISSION FOR OUR INTERNAL USE:

QUOTE THE TECHNOLOGY INVOLVED IN DEVELOPING AND MANUFACTURING ANY NUCLEAR EXPLOSIVE DEVICE IS NOT DISTINGUISHABLE FROM THAT INVOLVED IN MAKING NUCLEAR WEAPONS.

EXPLOSIONS FOR TESTING OF ANY NUCLEAR EXPLOSIVE DEVICE CANNOT BE DISTINGUISHED FROM EXPLOSIONS FOR TESTING NUCLEAR WEAPONS. EXPLOSIONS FOR A CONSTRUCTIVE OR PEACEFUL PROJECT CAN BE DISTINGUISHED FROM TEST EXPLOSIONS, IF CARRIED OUT UNDER ARRANGEMENTS WHICH PRECLUDE THE OPPORTUNITY FOR EMPLOYING SUCH EXPLOSIONS AS A MEANS FOR TESTING NUCLEAR EXPLOSIVE DEVICES.

NUCLEAR EXPLOSIONS GENUINELY CARRIED OUT IN CONNECTION WITH PROJECTS INVOLVING PEACEFUL APPLICATIONS WOULD NECESSARILY BE CARRIED OUT WHERE THE ORE BODY, GEOLOGICAL FORMATION, ETC., IS FOUND, WHETHER AT AN ESTABLISHED TEST SITE (IF, BY CHANCE, THE SITE INCLUDES SUCH A GEOLOGICAL FEATURE) OR MORE LIKELY, AT SOME OTHER LOCATION. EXPERIMENTS, UTILIZING NUCLEAR EXPLOSIONS, FOR THE PURPOSE OF DETERMINING THE GENERAL EFFECTS OF SUCH EXPLOSIONS AT VARIOUS DEPTHS, WITH VARIOUS YIELDS, ETC., IN ORDER TO OBTAIN INFORMATION USEFUL FOR PEACEFUL APPLICATIONS, MAY BE CARRIED OUT AT AN ESTABLISHED TEST SITE, IF THE TYPE OF GEOLOGY OF INTEREST FOR PEACEFUL APPLICATIONS IS FOUND ON THE SITE; OTHERWISE, SUCH EXPERIMENTS WOULD BE CONDUCTED OFF-SITE, WHERE THE GEOLOGY OF INTEREST IS FOUND.

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NUCLEAR EXPLOSIONS FOR PEACEFUL APPLICATIONS, EITHER FOR A "PROJECT" OR FOR OBTAINING EXPERIMENTAL DATA FOR SUCH APPLICATION, WOULD BE EXPECTED TO UTILIZE NUCLEAR EXPLOSIVE DEVICES OF A TYPE WHICH HAD PREVIOUSLY BEEN FULLY TESTED, IN ORDER FOR THE PERFORMANCE OF THE EXPLOSIVE DEVICE TO BE PREDICTABLE WITHIN CLOSE LIMITS, THEREBY OMITTING DEVICE PERFORMANCE AS A VARIABLE. MOREOVER, TRYING TO TEST A NUCLEAR EXPLOSIVE DEVICE IN THE COURSE OF CARRYING OUT A NUCLEAR

EXPLOSION FOR A PEACEFUL APPLICATION, UNDER ARRANGEMENTS (SUCH AS THE REQUIRED PRESENCE OF OBSERVERS DURING DRILLING AND EMPLACEMENT, FOR EXAMPLE) WHICH LIMIT THE OPPORTUNITY TO OBTAIN DETAILED DIAGNOSTIC INFORMATION ON PERFORMANCE OF THE DEVICE, WOULD PRESENT PRACTICAL DIFFICULTIES AND RISK DISCOVERY. SUCH AN ATTEMPT WOULD BE PARTICULARLY FOOLHARDY IF THE DEVICE CAN OTHERWISE BE TESTED AT AN ESTABLISHED TEST SITE, WHERE CONDITIONS CAN BE OPTIMIZED TO PERMIT OBTAINING THE DESIRED DATA.

IN ANY EVENT, THE TERMS OF THE PROTOCOL AND OF THE JULY 3, 1974, TREATY ITSELF, TREAT ANY NUCLEAR EXPLOSION CONDUCTED OUTSIDE A DESIGNATED TEST SITE (SPECIFIED IN ACCORDANCE WITH DETAILED PROVISIONS, INCLUDING CALIBRATION EXPLOSIONS, ETC.) AS IF IT WERE A NUCLEAR EXPLOSION FOR PEACEFUL PURPOSES AND THEREFORE SUBJECT TO SPECIAL ARRANGEMENTS, SUCH AS OBSERVATION, TO BE SPELLED OUT IN A SEPARATE AGREEMENT. THESE ARRANGEMENTS WOULD APPLY, REGARDLESS OF THE INTENDED PURPOSE OF THE EXPLOSION.

THUS, THE JULY 3, 1974, TREATY RECOGNIZES THAT THERE MAY BE NUCLEAR EXPLOSIONS CARRIED OUT FOR A GENUINELY PEACEFUL PURPOSE, BUT THAT SPECIAL ARRANGEMENTS ARE NECESSARY TO ASSURE THAT ANY CLAIMED PEACEFUL PURPOSE IS INDEED GENUINE AND THAT SUCH EXPLOSIONS ARE NOT MISUSED

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ACTION ACDA-19

INFO OCT-01 ISO-00 IO-14 AF-10 ARA-16 CIAE-00 DODE-00

EA-11 EUR-25 PM-07 H-03 INR-11 L-03 NASA-04 NEA-14

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SCI-06 SS-20 USIA-15 SAJ-01 DRC-01 /201 W

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AS A MEANS FOR TESTING NUCLEAR EXPLOSIVE DEVICES. THE TREATY ALSO MAKES IT CLEAR THAT IT IS FRUITLESS TO ATTEMPT TO DISTINGUISH BETWEEN EXPLOSIONS FOR TESTING OF A NUCLEAR WEAPON AND THOSE FOR TESTING ANY OTHER NUCLEAR EXPLOSIVE DEVICE, BY TREATING ALL EXPLOSIONS AT SPECIFIED TEST SITES AS IF THEY WERE FOR THE PURPOSE OF TESTING NUCLEAR WEAPONS.

IN THE CASE OF THE MAY 18, 1974, NUCLEAR WXPLOSION BY INDIA, THAT EXPLOSION WAS FIRST OF ALL A TEST OF A NUCLEAR EXPLOSIVE DEVICE. WHETHER INDIA'S DEMONSTRATED TECHNOLOGY FOR MANUFACTURING A DEVICE WILL BE USED FOR NUCLEAR WEAPONS OR FOR NUCLEAR EXPLOSIVE DEVICES FOR PEACEFUL APPLICATIONS IS MERELY ONE OF INDIA'S INTENTION. THAT EXPLOSION MUST THEREFORE BE TREATED JUST AS THE JULY 3, 1974, TREATY AND PROTOCOL TREAT ALL NUCLEAR LIMITED OFFICIAL USE

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EXPLOSIONS WHICH THE US OR THE USSR CONDUCT ON SPECIFIED TEST SITES--AS IF IT WERE A TEST OF A NUCLEAR WEAPON. NO KIND OR AMOUNT OF OBSERVATION BY OUTSIDERS COULD HAVE CONFIRMED THAT THE NUCLEAR EXPLOSIVE DEVICE SO TESTED WAS IN FACT DESIGNED OR INTENDED FOR PEACEFUL APPLICATIONS.

IF INDIA PROCEEDS, HOWEVER, TO CARRY OUT A NUCLEAR EXPLOSION FOR A PEACEFUL PROJECT (SUCH AS BREAKING UP AN ORE BODY OR A GAS-BEARING FORMATION HAVING LOW PERMEABILITY) THE KIND OF ARRANGEMENTS WHICH ARE ULTIMATELY INCORPORATED IN THE SPECIAL US-USSR AGREEMENT FORESEEN IN ARTICLE III OF THE JULY 3, 1974, TREATY WOULD, IF APPLIED TO SUCH AN EXPLOSION IN INDIA, PRESENT AN OPPORTUNITY FOR OUTSIDERS TO CONFIRM THAT SUCH AN EXPLOSION HAD INDEED BEEN CARRIED OUT FOR THE PURPOSE CLAIMED. IT SHOULD BE NOTED, HOWEVER, THAT THE PROCEDURES ADOPTED BY THE IAEA FOR INTERNATIONAL OBSERVATION OF NUCLEAR EXPLOSIONS FOR PEACEFUL APPLICATIONS CARRIED OUT PURSUANT TO ARTICLE V OF THE NPT (INFCIRC/169, JANUARY 16, 1973) WERE NOT DESIGNED FOR AND WOULD BE INAPPROPRIATE FOR THE SITUATION IN WHICH A STATE CARRIES OUT AN EXPLOSION USING A NUCLEAR EXPLOSIVE DEVICE OF ITS OWN MANUFACTURE. THOSE PROCEDURES, HOWEVER, DO PROVIDE A STARTING POINT FOR DEVELOPMENT OF ARRANGEMENTS APPROPRIATE TO THE LATTER SITUATION. UNQUOTE

4. MISSION WOULD APPRECIATE COMMENTS ON FOREGOING INFORMAL TEXT AND PROPOSAL TO MAKE IT AVIALBLE TO

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** AGREEMENTS, NUCLEAR AGREEMENTS, NUCLEAR SAFEGUARDS  
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**Copy:** SINGLE  
**Draft Date:** 19 JUL 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** golinofr  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
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**TAGS:** PARM, TECH, IAEA  
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